

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL ASSOCIATION OF
BRIDGE, STRUCTURAL, ORNAMENTAL
AND REINFORCING IRON WORKERS
UNION LOCAL 361, et al.,

Plaintiffs,

-against-

GEORGE T MCNULTY,

Defendant.

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/31/2023

20-CV-4979 (LGS) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

Fact discovery concluded on October 20, 2023, and the parties were due in court today at 10:00 a.m. for a status conference. (*See* Dkt. 128 at 20.) Plaintiffs appeared through counsel, but the sole remaining defendant, George McNulty, who is representing himself, did not appear.¹ Counsel for plaintiffs confirmed that he took McNulty's deposition on October 20, 2023, and spoke with him again when preparing the parties' joint pre-conference letter, dated October 24, 2023 (Dkt. 129), at which point counsel reminded McNulty about today's conference. The Court notes that this is not the first time that McNulty has failed to appear for a court conference. (*See* Dkt. 114.) The conference proceeded in McNulty's absence.

Additional Fact Discovery

Plaintiffs noted that McNulty may be able to access online bank statements for at least one of the defaulted corporate defendants, and requested that the Court direct him to attempt to retrieve all relevant bank statements. The Court granted that request. Consequently, it is hereby

¹ On September 28, 2021, the Hon. Lorna Schofield, United States District Judge, granted plaintiffs default motion against defendants Low Bid Inc. (Low Bid) and Premier Steel Inc. (Premier Steel). (Dkt. 87.) On September 10, 2021, plaintiffs voluntarily dismissed their claims against defendant J. McNulty Enterprises (JM Enterprises), explaining that the company "appear[ed] to no longer be in business or on record with the New York Secretary of State." (Dkt. 83.)

ORDERED that McNulty shall promptly request, from the relevant bank(s), all available banking records for himself, Low Bid, Premier Steel, and JM Enterprises from 2009 to the present. No later than **December 1, 2023**, McNulty shall produce those records to plaintiffs, along with a sworn declaration describing the efforts he made to obtain the records and the reasons for any shortfalls in the production.

Summary Judgment

Plaintiffs informed the Court that they anticipate moving for summary judgment and would be prepared to do so upon receipt of defendants' banking records. Since there appears to be no need for an expert discovery period, it is further **ORDERED** that plaintiffs' pre-motion conference request with respect to summary judgment shall be filed no later than **January 8, 2024**.²

Service

Counsel for plaintiff is directed to email a copy of this Order to defendant McNulty at the email address customarily used for communications relating to this lawsuit, and to file proof of such service on the docket.

Dated: New York, New York
October 31, 2023

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge

² Summary judgment motions must be made to the District Judge and conform to her Individual Rules and Procedures for Civil Cases. Judge Schofield requires a pre-motion conference request prior to the filing of any summary judgment motion. *See* Schofield Rules & Proc., *available at* <https://nysd.uscourts.gov/hon-lorna-g-schofield>, Part III.A.1.